

REMARKS

Claims 1 - 7 remain active in this application. Claims 5 - 7 have been withdrawn from consideration as being non-elected, without traverse, in response to a requirement for restriction. The specification has been reviewed and editorial revisions made where seen to be appropriate. Claims 1 and 2 have been amended to improve accuracy and form. Support for the amendments of the claims is found throughout the application, particularly in Figures 3, 4, 5, 8 and 11 and the description thereof on pages 7 and 8. No new matter has been introduced into the application.

The Examiner has objected to the specification due to inconsistency of reference numerals at page 8, lines 20 - 24. This objection is respectfully traversed as moot in view of the above amendments to that passage. However, it appears that the Examiner is suggesting the substitution of reference numerals 16a and 16b for 15a and 15b which is respectfully submitted to be incorrect. In accordance with the reference numerals as applied to Figure 1, sidewalls 16a and 16b remain in place in Figure 11 but spacers 14a and 14b are removed. Accordingly, the above amendments are believed to be correct and fully consistent with page 6 and the drawings and reconsideration and withdrawal of the objection is respectfully requested.

The Examiner has also objected to the drawings as failing to illustrate RSD layer 44. In response, approval has been requested for addition of reference numeral 44 to Figure 4. Further, approval has been requested for extension of lead lines for reference numerals 40a and 40b which seems appropriate since these reference numerals refer to materials while reference numeral 44 refers to a layer. Accordingly, approval of the proposed revisions to Figure 4 and withdrawal of the objection are respectfully requested.

The Examiner has also objected to the drawings as failing to include all reference numerals in each Figure; repeating the reference numerals from Figure 1. It is respectfully submitted that no basis exists for such an *objection* since there is no requirement in the rules or MPEP that reference numerals be repeated in all Figures. However, in view of the Examiner's expression of difficulty in following the disclosure and the error noted above, it has been proposed to do so and approval of the proposed application of repeated reference numerals and withdrawal of the objection is respectfully requested.

The Examiner has objected to claim 2 as being self-dependent. this objection is respectfully traversed in view of the above amendment to claim 2 in which dependency has been corrected. Accordingly, withdrawal of this objection is respectfully requested.

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter and has rejected claims 1 - 4 under 35 U.S.C. §112, first paragraph. This objection and rejection are respectfully traversed, particularly as being moot in view of the amendments to claim 1, above.

Specifically, the steps of claim 1 have been reordered and the first etching step has been amended to more accurately indicate the region which is etched. Further, the preamble and body of the claim has been amended to refer to plural transistors of different conductivity types and plural gate regions. These amendments are directed to subject matter which the Examiner indicates is, in fact, adequately disclosed in the statement of the rejection. Accordingly reconsideration and withdrawal of this objection of rejection is respectfully requested.

Claims 1 - 4 have also been rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

This rejection is also respectfully traversed, particularly as being moot in view of the amendments made above.

Specifically, further reference to the dual spacers as part of the gate structures has been made in claim 1 which is believed to fully answer the Examiner's criticism. Further, it is respectfully submitted that there is no requirement that the claims *explain* the invention but only define it in a manner in which the scope of the claims can be reasonably determined and in a manner which is distinct from the prior art. Therefore, it is respectfully submitted that this rejection is in error and, in any event, no basis therefor exists in the claims as amended. Therefore, reconsideration and withdrawal of the same is respectfully requested.

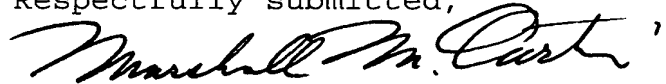
In summary, by the above amendments, the claims have been clarified and made internally consistent; the Examiner's criticisms of which appear to underlie all of the objections and rejections stated by the Examiner. Should any issues be seen to remain, it is respectfully requested that the Examiner contact the undersigned by telephone at the number given below in order to expeditiously resolve the same.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims *and no prior art has been applied against the claims*, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a

conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 09-0458 of International Business Machines Corporation (e. Fishkill).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marshall M. Curtis".

Marshall M. Curtis
Reg. No. 33,138

Whitham, Curtis & Christofferson, P. C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190

Customer Number: **30743**
(703) 787-9400